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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/811,730

03/29/2004

Jo Ann Joels

RIC 03 006

1435

25537 7590 08/24/2009

VERIZON
PATENT MANAGEMENT GROUP
1320 North Court House Road
9th Floor
ARLINGTON, VA 22201-2909

EXAMINER

ANWARI, MACEEH

ART UNIT

PAPER NUMBER

2444

NOTIFICATION DATE

DELIVERY MODE

08/24/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/811,730	Applicant(s) JOELS ET AL.	
	Examiner MACEEH ANWARI	Art Unit 2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to communications filed on 4/23/2009. **Claim(s) 1- 39** have been amended. No other claims have been amended, added, or canceled. Accordingly, **claim(s) 1- 39** are pending.

Response to Arguments

2. Applicant's arguments filed 4/23/2009 have been fully considered but they are not persuasive. In substance the applicant argues: 1) that **Or and Bowman-Amuah** whether taken alone or in combination do not disclose or suggest periodically polling the gateway device to obtain operating parameters related to the first and the second communications between the first and second networks; 2) that **Or and Bowman-Amuah** whether taken alone or in combination do not disclose or suggest analyzing the operating parameters; 3) the SLA do not relate to the stability of the network.

3. In response to 1), the examiner respectfully disagrees. First the examiner asserts that the applicant claims broadly, and as such the examiner interprets the claims broadly. The recitation of the term *related* is very broad and the applicant fails to specifically define the *relation*. Therefore, the examiner points out that (from the applicants own remarks pages 18-19) that **Or** discloses the use of SNMP to manage networks and network devices; and that this management is implemented with the use of agents which collects (i.e. polls) specific type of data and information (i.e. parameters) about the network devices being managed (**Or: par. 6-8**). Hence, **Or** does in fact disclose the polling of the gateway device (i.e. through the MIB within the Gateway and through SNMP which inclusively polls for data via the agent) and further

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discloses the use of (and review of) performance statistics of the network device which are related to any (not just the first and second communications) between the first and second networks.

4. In response to 2), the examiner respectfully disagrees. Referring to the response for 1), the examiner reiterates the use of MIBs within the gateway device to determining the state of the device (i.e. through analyzing) and collecting and reviewing performance statistics of the network device (i.e., analyzing the operating parameters). Therefore, the examiner asserts that **Or-Bowmann-Amuah** disclose this limitation.

5. In response to 3), the examiner respectfully disagrees. Once again the applicant uses the broad term *related*, without specifying the relationship. Therefore, the examiner interprets the term in the broadest reasonable sense, and asserts that SLAs are in fact directly related to network stability (i.e. or the lack there of). Therefore this limitation is met by the combination of **Or** and **Bowmann-Amuah**.

6. The examiner feels that an interview with some beneficial comments/suggestions would help benefit the applicant tremendously; and therefore strongly urges the applicant to contact the Office and schedule one in order to forward prosecution and get rid of lingering discrepancies.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1-2, 4-6, 8-14, 16-20, 23-26, 28- 31, 34- 36 and 38- 39** rejected under 35 U.S.C. 103(a) as being unpatentable over **Or et al.** (hereinafter **Or** U.S. Pub. No.: 2002/0067742 A1) and further in view of **Bowman-Amuah** (hereinafter **Bowman** U.S. Pat. No.: 6,556,659 B1).

9. Regarding **claim 1 Or**, discloses: A method comprising:

receiving at a gateway device a first communication from a first network that is addressed for a network element of a second network, where the second network is based on a different technology than the first network and where the gateway device comprises a layer 3 gateway (**Fig. 1 and par. 2-5; cellular network to Internet, WAP gateway**);

transmitting the first communication from the gateway device to the second network (**Fig. 1 and par. 2-5; cellular network to Internet, WAP gateway**);

receiving at the gateway device a second communication from the second network that is addressed for a network element of the first network (**Fig. 1 and par. 2-5; cellular network to Internet, WAP gateway**);

transmitting the second communication from the gateway device to the first network (**Fig. 1 and par. 2-5; cellular network to Internet, WAP gateway**);

periodically polling the gateway device to obtain operating parameters related to the first and the second communications between the first and second networks (**Fig. 1 and par. 6- 8; SNMP and MIB setting and changing of parameters on network devices**);

analyzing the operating parameters (**Fig. 1 and par. 6- 8; SNMP, TRAP command, management process collecting and reporting data and MIB**).

However, **Or** remains silent on the specific teachings of generating a health report related to at least the gateway device, the health report being based upon analysis of the operating parameters.

In the same field of endeavor, **Bowman** discloses generating a health report related to at least the gateway device, the health report being based upon analysis of the operating parameters (**Abstract and Col. 48 line 52- Col. 50 line 67; status reports, problem reports, SLA violations and fault management**).

Accordingly it would have been obvious for one of ordinary skill in the networking art to modify or incorporate **Bowman's** teachings of status and problem reporting with the teachings of **Or** to provide for a more efficient management system.

10. Regarding **claim 2**, **Or-Bowman** further discloses: where the polling of the gateway device to obtain operating parameters comprises obtaining information related to a flowcache (**par. 25; IP tables for configuration and statistics, system parameters, interface tables, ARP tables and UDP tables**).

11. Regarding **claim 4**, **Or-Bowman** further discloses: where the polling of the gateway device to obtain operating parameters comprises obtaining node configuration information (**par. 25 and 28; WAP configuration**).

12. Regarding **claim 5**, **Or-Bowman** further discloses: where the node configuration information comprises a number of layer 3 connections (**par. 23- 25; network devices such as routers and WAP configuration**).

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13. Regarding **claim 6, Or-Bowman** further discloses: where the node configuration information comprises a number of VPRN (virtual private routed network) connections **(Bowman: par. 4, 6, 128 and 156; private VNets).**

14. Regarding **claim 8, Or-Bowman** further discloses: where the first network comprises the Internet **(Par. 2; Internet).**

15. Regarding **claim 9, Or-Bowman** further discloses: where the second network comprises at least one of a frame relay network, an asynchronous transfer mode network, private internet protocol network or an internet protocol virtual private network **(Bowman: par. 4, 6, 128 and 156; frame relay, ATM, private Internets, VNets, and Private VNets).**

16. Regarding **claim 10, Or-Bowman** further discloses: where the gateway further implements a firewall function when transmitting communications between the first and second networks **(par. 28 and 44; WAP security, WTLS and TLS).**

17. Regarding **claim 11, Or-Bowman** further discloses: where the analyzing the operating parameters comprises comparing the operating parameters to a threshold value **(par. 6; set and retrieve values and parameters).**

18. Regarding **claim 12, Or-Bowman** further discloses: further comprising setting a flag if the operating parameters exceed the threshold value **(par. 6-8 and 80- 89; SNMP, TRAP and sending of reports).**

19. Regarding **claim 13, Or-Bowman** further discloses: where the comparing the operating parameters to a threshold value comprises comparing the operating parameters to a warning threshold value and also comparing the operating parameters

to an augment threshold value (**par. 6-8 and 80- 89; SNMP, TRAP and security and memory/buffer size**).

20. Regarding **claim 23, Or-Bowman** further discloses: wherein polling an inter-network gateway to collect data related to the inter-network gateway further comprises collecting data related to card toggles, CPU utilization or memory utilization (**par. 6-8 and 80- 89; SNMP, TRAP and security and memory/buffer size**).

21. Regarding **claim 25, Or-Bowman** further discloses: where the computer-executable instructions operate operates on a UNIX-based operating system (**par. 16; UNIX Operating system**).

22. Regarding **claim 26, Or-Bowman** further discloses: where the computer program code is automatically, periodically poll the gateways a SNMP connection with each of the gateways (**Fig. 1 and par. 5-8; using SNMP managment**).

23. Regarding **claim 29, Or-Bowman** further discloses: wherein the computer code to write data is further to write raw data into a raw data file and to write summary data into a summary data file (**par. 6-8; management process collects and reports data and the MIB actually defines the data**).

24. Regarding **claim 30, Or-Bowman** further discloses: where the computer program code to automatically transmit the report comprises computer program code to automatically transmit an ASCII file via e-mail (**par. 2 and 17; e-mailing capabilities and suitable programming languages**).

As per **claims 14, 16-20, 24, 28, 31, 34-36, and 38- 39** they list substantially the same elements as those found in **claims 1-2, 4-6, 8-13, 23, 25-26 and 29-30** and are

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therefore rejected using the same rationale as applied to **claims 1-2, 4-6, 8-13, 23, 25-26 and 29-30**.

25. **Claims 3, 7, 15, 22, 27, 32- 33 and 37** rejected under 35 U.S.C. 103(a) as being unpatentable over **Or-Bowman** and further in view of **Gray et al.** (hereinafter **Gray** U.S. Pub. No.: 2008/0189353 A1).

26. Regarding **claim 3**, **Or-Bowman** disclose the invention as discussed above.

However **Or-Bowman** remain silent on the specific teachings of polling the gateway device to obtain operating parameters comprises obtaining information related to an internet key exchange security association.

In the same field of endeavor, **Gray** discloses polling the gateway device to obtain operating parameters comprises obtaining information related to an internet key exchange security association (**par. 43; Internet Key Exchange(IKE)**).

Accordingly it would have been obvious for one of ordinary skill in the networking art to modify or incorporate **Gray's** teachings of IKE with the teachings of **Or-Bowman** to provide for a more flexible and secure system.

As per **claims 15, 21-22, 32-33 and 37** they list substantially the same elements as those found in **claim 3** and are therefore rejected using the same rationale as applied to **claim 3**.

27. Regarding **claim 7**, **Or-Bowman-Gray** further discloses: where the node configuration information comprises a number of IPSec tunnels (**Gray: par. 43; IPSec tunnels**).

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28. Regarding **claim 22, Or-Bowman-Gray** further discloses: where the parameters comprise a count of number of dead IKE SAs (**Gray: par. 43; Internet Key Exchange**).

29. Regarding **claim 27, Or-Bowman-Gray** further discloses: where computer program code to automatically, periodically poll the gateways is further to initiate a CLI connection with each of the gateways (**Gray: par. 38 and 59; CLI**).

Prior Art

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. **Hirose et al.** (U.S. Pub. No.: 2004/0030533), directed towards a monitoring system monitor sites which proved cellular phones and PDAs with connect.
- b. **Beyda** (U.S. Pub. No.: 2004/0139179 A1), directed towards a system for monitoring router reconfigurations and to reducing the likelihood of faulty network conditions as a result of router reconfigurations.
- c. **Schick** (U.S. Pat. No.: 6, 795, 400 B1), directed towards systems and methods for providing packet loss service-level guarantees for data network communication.
- d. **Laiho et al.** (U.S. Pub. No.: 2006/0264200 A1), directed towards the interception of multimedia calls within a communications network.
 - a. **Hansen** (U.S. Pub. No.: 2003/0177245 A1), directed towards interfacing a communications network to a communications entity that includes a radio or another communications network.

Conclusion

31. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MACEEH ANWARI whose telephone number is (571)272-7591. The examiner can normally be reached on Monday-Friday 7:30-5:00 PM ES.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.A.

/Hassan Phillips/
Primary Examiner, Art Unit 2451